

1-1 By: Villalba, et al. H.B. No. 867
 1-2 (Senate Sponsor - Taylor of Collin)
 1-3 (In the Senate - Received from the House May 10, 2017;
 1-4 May 11, 2017, read first time and referred to Committee on
 1-5 Education; May 21, 2017, reported favorably, as amended, by the
 1-6 following vote: Yeas 9, Nays 0; May 21, 2017, sent to printer.)

1-7 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-8 Taylor of Galveston	X			
1-9 Lucio	X			
1-10 Bettencourt	X			
1-11 Campbell	X			
1-12 Hall	X			
1-13 Huffines			X	
1-14 Hughes	X			
1-15 Seliger	X			
1-16 Taylor of Collin	X			
1-17 Uresti	X			
1-18 West			X	

1-20 COMMITTEE AMENDMENT NO. 1 By: Taylor of Collin

1-21 Amend H.B. 867 (house engrossed version) by adding the
 1-22 following appropriately numbered SECTIONS to the bill and
 1-23 renumbering the subsequent SECTIONS of the bill appropriately:

1-24 SECTION _____. Sections 37.0811(a) and (d), Education Code,
 1-25 are amended to read as follows:

1-26 (a) The board of trustees of a school district or the
 1-27 governing body of an open-enrollment charter school may appoint not
 1-28 more than the greater of:

1-29 (1) one school marshal per 200 [400] students in
 1-30 average daily attendance per campus; or

1-31 (2) for each campus, one school marshal per building
 1-32 of the campus at which students regularly receive classroom
 1-33 instruction.

1-34 (d) Any written regulations adopted for purposes of
 1-35 Subsection (c) must provide that a school marshal may carry a
 1-36 concealed handgun as described by Subsection (c), except that if
 1-37 the primary duty of the school marshal involves regular, direct
 1-38 contact with students, the marshal may not carry a concealed
 1-39 handgun but may possess a handgun on the physical premises of a
 1-40 school in a locked and secured safe within the marshal's immediate
 1-41 reach when conducting the marshal's primary duty. The written
 1-42 regulations must also require that a handgun carried by or within
 1-43 access of a school marshal may be loaded only with frangible duty
 1-44 ammunition approved for that purpose by the Texas Commission on Law
 1-45 Enforcement [designed to disintegrate on impact for maximum safety
 1-46 and minimal danger to others].

1-47 SECTION _____. Section 51.220(e), Education Code, is amended
 1-48 to read as follows:

1-49 (e) Any written regulations adopted for purposes of
 1-50 Subsection (d) must provide that a school marshal may carry a
 1-51 concealed handgun as described by Subsection (d), except that if
 1-52 the primary duty of the school marshal involves regular, direct
 1-53 contact with students, the marshal may not carry a concealed
 1-54 handgun but may possess a handgun on the physical premises of a
 1-55 public junior college campus in a locked and secured safe within the
 1-56 marshal's immediate reach when conducting the marshal's primary
 1-57 duty. The written regulations must also require that a handgun
 1-58 carried by or within access of a school marshal may be loaded only
 1-59 with frangible duty ammunition approved for that purpose by the
 1-60 Texas Commission on Law Enforcement [designed to disintegrate on
 1-61 impact for maximum safety and minimal danger to others].

A BILL TO BE ENTITLED
AN ACT

2-1 relating to school marshals for private schools.
 2-2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:
 2-3 SECTION 1. Article 2.127, Code of Criminal Procedure, is
 2-4 amended by amending Subsections (a) and (d) and adding Subsection
 2-5 (a-1) to read as follows:
 2-6 (a) Except as provided by Subsection (b), a school marshal
 2-7 may:
 2-8 (1) make arrests and exercise all authority given
 2-9 peace officers under this code, subject to written regulations
 2-10 adopted by:
 2-11 (A) the board of trustees of a school district or
 2-12 the governing body of an open-enrollment charter school under
 2-13 Section 37.0811, Education Code;
 2-14 (B) the governing body of a private school under
 2-15 Section 37.0813, Education Code; [] or
 2-16 (C) the governing board of a public junior
 2-17 college under Section 51.220, Education Code; [] and
 2-18 (2) only act as necessary to prevent or abate the
 2-19 commission of an offense that threatens serious bodily injury or
 2-20 death of students, faculty, or visitors on school premises.
 2-21 (a-1) In this section, "private school" means a school that:
 2-22 (1) offers a course of instruction for students in one
 2-23 or more grades from prekindergarten through grade 12;
 2-24 (2) is not operated by a governmental entity; and
 2-25 (3) is not a school whose students meet the definition
 2-26 provided by Section 29.916(a)(1), Education Code.
 2-27 (d) A person may not serve as a school marshal unless the
 2-28 person is:
 2-29 (1) licensed under Section 1701.260, Occupations
 2-30 Code; and
 2-31 (2) appointed by:
 2-32 (A) the board of trustees of a school district or
 2-33 the governing body of an open-enrollment charter school under
 2-34 Section 37.0811, Education Code;
 2-35 (B) the governing body of a private school under
 2-36 Section 37.0813, Education Code; [] or
 2-37 (C) the governing board of a public junior
 2-38 college under Section 51.220, Education Code.
 2-39 SECTION 2. The heading to Section 37.0811, Education Code,
 2-40 is amended to read as follows:
 2-41 Sec. 37.0811. SCHOOL MARSHALS: PUBLIC SCHOOLS.
 2-42 SECTION 3. Subchapter C, Chapter 37, Education Code, is
 2-43 amended by adding Section 37.0813 to read as follows:
 2-44 Sec. 37.0813. SCHOOL MARSHALS: PRIVATE SCHOOLS. (a) The
 2-45 governing body of a private school may appoint not more than the
 2-46 greater of:
 2-47 (1) one school marshal per 200 students enrolled in
 2-48 the school; or
 2-49 (2) one school marshal per building of the school at
 2-50 which students regularly receive classroom instruction.
 2-51 (b) The governing body of a private school may select for
 2-52 appointment as a school marshal under this section an applicant who
 2-53 is an employee of the school and certified as eligible for
 2-54 appointment under Section 1701.260, Occupations Code.
 2-55 (c) A school marshal appointed by the governing body of a
 2-56 private school may carry or possess a handgun on the physical
 2-57 premises of a school, but only in the manner provided by written
 2-58 regulations adopted by the governing body.
 2-59 (d) Any written regulations adopted for purposes of
 2-60 Subsection (c) must provide that a school marshal may carry a
 2-61 concealed handgun as described by Subsection (c), except that if
 2-62 the primary duty of the school marshal involves regular, direct
 2-63 contact with students in a classroom setting, the marshal may not
 2-64 carry a concealed handgun but may possess a handgun on the physical
 2-65 premises of a school in a locked and secured safe within the
 2-66
 2-67

3-1 marshal's immediate reach when conducting the marshal's primary
 3-2 duty. The written regulations must also require that a handgun
 3-3 carried by or within access of a school marshal may be loaded only
 3-4 with frangible duty ammunition approved for that purpose by the
 3-5 Texas Commission on Law Enforcement.

3-6 (e) A school marshal may access a handgun under this section
 3-7 only under circumstances that would justify the use of deadly force
 3-8 under Section 9.32 or 9.33, Penal Code.

3-9 (f) A private school employee's status as a school marshal
 3-10 becomes inactive on:

3-11 (1) expiration of the employee's school marshal
 3-12 license under Section 1701.260, Occupations Code;

3-13 (2) suspension or revocation of the employee's license
 3-14 to carry a handgun issued under Subchapter H, Chapter 411,
 3-15 Government Code;

3-16 (3) termination of the employee's employment with the
 3-17 private school; or

3-18 (4) notice from the governing body that the employee's
 3-19 services as school marshal are no longer required.

3-20 (g) The identity of a school marshal appointed under this
 3-21 section is confidential, except as provided by Section 1701.260(j),
 3-22 Occupations Code, and is not subject to a request under Chapter 552,
 3-23 Government Code.

3-24 (h) If a parent or guardian of a student enrolled at a
 3-25 private school inquires in writing, the school shall provide the
 3-26 parent or guardian written notice indicating whether any employee
 3-27 of the school is currently appointed a school marshal. The notice
 3-28 may not disclose information that is confidential under Subsection
 3-29 (g).

3-30 (i) This section does not apply to a school whose students
 3-31 meet the definition provided by Section 29.916(a)(1).

3-32 SECTION 4. Section 1701.001(8), Occupations Code, is
 3-33 amended to read as follows:

3-34 (8) "School marshal" means a person who:
 3-35 (A) is ~~employed and~~ appointed to serve as a
 3-36 school marshal by:

3-37 (i) the board of trustees of a school
 3-38 district or ~~[7]~~ the governing body of an open-enrollment charter
 3-39 school under Section 37.0811, Education Code;

3-40 (ii) the governing body of a private school
 3-41 under Section 37.0813, Education Code; ~~[7]~~ or

3-42 (iii) the governing board of a public
 3-43 junior college under ~~[Article 2.127, Code of Criminal Procedure,~~
 3-44 ~~and in accordance with and having the rights provided by]~~ Section
 3-45 ~~[37.0811 or]~~ 51.220, Education Code;

3-46 (B) is licensed under Section 1701.260; and

3-47 (C) has powers and duties described by Article
 3-48 2.127, Code of Criminal Procedure.

3-49 SECTION 5. Section 1701.260, Occupations Code, is amended
 3-50 by amending Subsections (a) and (j) and adding Subsection (a-1) to
 3-51 read as follows:

3-52 (a) The commission shall establish and maintain a training
 3-53 program open to any employee of a school district, open-enrollment
 3-54 charter school, private school, or public junior college who holds
 3-55 a license to carry a handgun issued under Subchapter H, Chapter 411,
 3-56 Government Code. The training may be conducted only by the
 3-57 commission staff or a provider approved by the commission.

3-58 (a-1) In this section, "private school" has the meaning
 3-59 assigned by Article 2.127, Code of Criminal Procedure.

3-60 (j) The commission shall submit the identifying information
 3-61 collected under Subsection (b) for each person licensed by the
 3-62 commission under this section to:

3-63 (1) the director of the Department of Public Safety;

3-64 (2) the person's employer, if the person is employed by
 3-65 a school district, open-enrollment charter school, private school,
 3-66 or public junior college;

3-67 (3) the chief law enforcement officer of the local
 3-68 municipal law enforcement agency if the person is employed at a
 3-69 campus of a school district, open-enrollment charter school,

4-1 private school, or public junior college located within a
4-2 municipality;

4-3 (4) the sheriff of the county if the person is employed
4-4 at a campus of a school district, open-enrollment charter school,
4-5 private school, or public junior college that is not located within
4-6 a municipality; and

4-7 (5) the chief administrator of any peace officer
4-8 commissioned under Section 37.081 or 51.203, Education Code, if the
4-9 person is employed at a school district or public junior college
4-10 that has commissioned a peace officer under either section.

4-11 SECTION 6. This Act takes effect immediately if it receives
4-12 a vote of two-thirds of all the members elected to each house, as
4-13 provided by Section 39, Article III, Texas Constitution. If this
4-14 Act does not receive the vote necessary for immediate effect, this
4-15 Act takes effect September 1, 2017.

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